

UNITED STATES OF AMERICA,)
)
vs.)
)
(4) STERLING RAFAEL ROSEBORO,)
a/k/a Baldy,) ORDER
)
Defendant.)
)

I. BACKGROUND

On February 5, 2019, Defendant filed a motion requesting a sentence reduction under the First Step Act. (Doc. No. 284). The United States did not oppose the motion, and the Court granted the motion and reduced Defendant's sentence to time served, plus ten days; the Court also reduced Defendant's term of supervised release from five years to four years. (Doc. No. 285).

Defendant began his term of supervised release on February 15, 2019. (Doc. No. 293, p. 4). On January 9, 2020, the U.S. Probation Office filed a petition alleging Defendant violated his supervised release by testing positive for marijuana eight times from April 2019 through October 2019. Id. at 1-2. On February 20, 2020, the Court adjudicated Defendant guilty of the violation, revoked his supervised release, and sentenced him to 14 months in prison. (Doc. No. 304). Defendant is currently 41 years old and serving his sentence for violating his supervised release at Federal Correctional Institution Edgefield in Edgefield, South Carolina. Defendant has served approximately 50 percent of his 14-month sentence. See (Doc. No. 309, p. 8). The U.S. Bureau of Prisons (“BOP”) currently projects his release date as January 10, 2021. Id.

On May 19, 2020, Defendant filed a pro se motion for home confinement. (Doc. No. 306). Defendant requests the Court order BOP to place him in home confinement pursuant to the CARES Act. See id. In support of his request, Defendant notes that his federal conviction did not involve violence, a sex offense, or terrorism; that he has a minimum Pattern Score, which is required to qualify for home confinement; and that he has a release plan. See id.

II. DEFENDANT’S REQUEST FOR HOME CONFINEMENT

Defendant requests that the Court release him to home confinement. Id. The Court does not have the authority to direct BOP to place a defendant in home confinement. See 18 U.S.C. § 3621(b); Moore v. United States Att’y Gen., 473 F.2d 1375, 1376 (5th Cir. 1973) (per curiam); see also McKune v. Lile, 536 U.S. 24, 39 (2002) (plurality opinion) (“It is well settled that the decision where to house inmates is at the core of prison administrators’ expertise.”); United States v. Gray, No. 4:12-CR-54-FL-1, 2020 WL 1943476, at *3 (E.D.N.C. Apr. 22, 2020) (“[D]efendant suggests the CARES Act provides legal authority for the court to order home confinement.... This provision does not authorize the court to order defendant’s placement in home confinement.”). A

court has no authority to designate a prisoner's place of incarceration. United States v. Voda, 994 F.2d 149, 151-52 (5th Cir. 1993). Because Defendant's request for home confinement alters only the place of incarceration, not the actual term of incarceration, only BOP may grant or deny his request; the Court is without jurisdiction to do so.

III. CONCLUSION

For the foregoing reasons, Defendant Sterling Rafael Roseboro's request seeking release to home confinement (Doc. No. 306) is DENIED.

Signed: August 13, 2020

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

